

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**ANA MARIA CHAMBERS,**

**Plaintiff,**

**v.**

**MERRILL LYNCH & COMPANY,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**CIVIL ACTION NO. CV-04-PT-03331-M**

**MEMORANDUM OPINION**

After consideration of the cases cited by the parties subsequent to the court's earlier Memorandum Opinion, the court concludes that the defendant's Motion to Compel Arbitration and for Stay Pending Arbitration is due to be granted. The court particularly notes the following cases: *Bevere v. Oppenheimer & Co.*, 862 F.Supp. 1243 (D. N.J. 1994); *AmSouth Bank v. Dees*, 847 So.2d 923 (Ala. 2002); *Cook's Pest Control, Inc. v. Boykin*, 807 So.2d 524 (Ala. 2001); *Capitol Chevrolet and Imports, Inc. v. Grantham*, 784 So.2d 285 (Ala. 2000); *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Kirton*, 719 So.2d 201 (Ala. 1998); and *Ex parte Dyess*, 709 So.2d 447 (Ala. 1997).

Within 7 days, the defendant will submit and serve a proposed order. The plaintiff will have 7 days after service to object as to form.

This 7th of February, 2005.



**ROBERT B. PROPST  
SENIOR UNITED STATES DISTRICT JUDGE**